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TO  
*The Right Honourable, the Supreme Au-  
THORITY of this Nation, The Commons  
Assembled in PARLIAMENT:*

AN  
**A P P E A L**  
*IN THE*

Humble Claim of *JUSTICE*

Against

**Tho. Lord Fairfax,**

**General of the English Army,**

raised, and declared to be raised, for  
the propagation and defence of im-  
partial Justice, and just Li-  
berty in the Nation;

By Captain WILLIAM BRAY.

For, and on the behalf of himself, and all the  
Officers and Souldiers, and other the free People  
of this Nation, that are for Righteous-  
ness, Settlement and Peace.

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PROV. 24.23. *These things also belong to the wise: It is not good to  
have respect of persons in Judgement.*

PROV. 28.21 *To have respect of persons is not good, for a piece of  
bread that man will transgress.*

PROV. 29.25. *The fear of man bringeth a snare: but whose putteth  
his trust in the Lord, shall be safe.*

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*London,* Printed in the Yeer 1649.

TO THE RIGHT HONOURABLE THE SPEAKER OF THE HOUSE OF COMMONS  
IN PARLIAMENT ASSEMBLED

# APPENDIX

IN WITNESS WHEREOF  
I have hereunto set my hand and the Great Seal of Great Britain  
this 10th day of May 1791

THE LORD PRIMATE

General of the English Army

and declared to be the

General of the English Army

and declared to be the

General of the English Army

and declared to be the

General of the English Army

and declared to be the

General of the English Army

*To the Right Honourable, the Supreme Authority of this Nation, The Commons Assembled in Parliament :*

*An Appeal, in the humble claim of Justice against THOMAS Lord FAIRFAX, General of the English Army, &c. By Captain WILLIAM BRAY.*

*Right Honourable,*



Have traced the Actions of men in Authority, and I find, that (to my grieve) Justice and Righteousnesse (as names) are but a stalking horse to the designs of meer Power and Greatnesse, and to be in a capacitie to lead whom it will, like sheep to the slaughter, without the bounds of Law or Reason. It will be admired at by some, that I should contend against so great a Personage : But truly, Right Honourable, there is nothing that makes me willing to be silent now, but this, That I my self am compassed about with infirmities : But this is no argument why I should not seek Justice; but be destroyed, (together with others) enslaved, and wasted time after time, by the wils of men, or of a man. It is true, I see the favour of my Enemy (he being great and potent) will make me many enemies, be-

cause many gain honour and greatnesse meerly by it : But there is a God that impartially judgeth the earth, and the small and the great are all one with him, and with just men. It is true, I expose my self by this to the power and stratagems of the Generall, and all his Politicians, to undo me, and to work their revenge upon me, if the Lord of righteousness and justice doth not restrain them : but in this consideration (whatever my Enemies power and policies are) I shall give up my self wholly to the great Judge of the Earth, and trust him, come life, come death.

It is true, He is great and potent by the blood, adventures and ruines of the people (the effects of War ;) and to me this is a great argument against the ingrossing of all power and authority into his breast ; and much more against the acting arbitrarily and unlimitedly against any member of the people or Common-weale : and to my reason, it is to make such an end of War and blood, as that it is not worth the blood of one man (as it may probably extend) much lesse the blood of so many thousands as have been slain in the War,——Civill War.——

1. Methinks, I cannot but consider the contest betwixt the King and this Honourable House : and surely, I cannot beleve, but that, had it not been for injustice, Monarchy had still remained ; and I do not think that any just man would have lift up his hand to engage in War——Civill War——, for my part, I shall professe, I should not : for I am not against Government, but can live with satisfaction either in *Monarchie*, *Aristocracie*, or *Democracie* : for to me nothing is essentiall, but Justice and Righteousnesse in a Common-weal.

2. I cannot but consider the glorious expressions of Justice and Righteousnesse in the many Declarations of the Armie ; by which the Penman thereof, and the chief heads did seem to be taken up conscientiously with the power of Justice, in their engagement against the Parliament, and excluded many that had formerly appeared valiant and fighting men in the cause of the Nation, to their dishonour

honour and infamy; with this pretence, That Justice and Reason did only justify them, and an intention of a speedy Settlement, of Justice, and Laws of reason to the people. But there was a declining of that solemn Engagement, which was like to have made all former Victories hazardous, and to have totally endangered the A mie, and all the well-affected people in the whole Nation. And it was Mr. *Edward Hyde's* Speech at a Conference of both Houses, 6. Julii, 1641. against the Lord chief Justice, Baron *Davenport*, Baron *Trevor*, and Baron *Weston*, in the Case of Ship-money: *These are the men, saith he, that by doing, or not doing, have brought this War upon us: By this means, saith he, the Peace of this Island is shaken, and frighted into Tumults, Commotions, povertie and rage of War.* And it had been an abuse of Providence for these men to have pretended providence for their desisting from good, or their doing of evill: And I beleeve, it would not have been received as an excuse to save the King, to have used the expressions of providence; which is much in use these times to countenance the Throne of arbitrary Power and Dominion over the People, by men that are now made great and potent by their blood, ruines, and adventures in War, — in Civil War —.

3. I shall present my observation to you and the people concerning the latest Remonstrance from the Army at *St. Albans*. Pag. 10. speaking against the King, (*viz.*) *Thus the people were made to depend mainly upon the King for all; and his Interest made necessary to all; the other pretences were but made use of to serve his ends, and an easie way to set up Him and his Interest above all.*

Pages 16, 17. *That no Common Councell or Parliaments at all should check him; but that all matters of Supreme Trust, concerning safetie, and all things else, might rest in him, without limit from, or account to any upon earth; and that all those extraordinary and arbitrary powers over the People; yea, their persons and consciences, might be exercised at pleasure by himself, and such as he pleased to derive the same unto.*

Page

Page 20. *Snares and chains were laid upon consciences and zealous men, and the generalitie of people held in darknesse and superstition, and a blind reverence of persons, and outward things, fit for Poperie and Slaverie.*

Page 21. *It was a brand of dishonour laid upon the King, to prefer such as had a mixture of ambition and vain-glory, with a servile spirit, rendering them fit to serve anothers Power and Greatnesse, for the enjoying some share therein to themselves.*

May it please this Honourable House to give me leave to speak a few words, in order to the good of many of the Commons of England, the Officery and Souldiery of this Nation, bone of my bone, and flesh of my flesh, now in being and hereafter to be; men that have or shall adventure their precious blood for the Rights of the Nation; but not so, as unnaturally and unreasonably to exclude themselves, after their Successes and Deliverances, from justice and right?

The disadvantages of Arbitrary power to reside in any person over all or any of the people, may become at length to be so settled, as that it will be a personal Interest in him and his Creatures, and a pretended Prerogative against the Publick Interest of common right, peace and safetie; and at length this Maxime will be brought in in time, That the General can do no wrong; even as it was said, that *The King can do no wrong*; which (as Mr. Solicitor Cook saith in King CHARLES his Case) is Blasphemy against the great God of Truth and Love; for onely God cannot erre; because, what he wils is right because he wils it: 'And it is a sad thing, saith he, to consider that learned men, for unworthy ends, should use such art to subdue the people, by transportation of their senses, as to make them beleieve, that the Law is, *That the King can do no wrong*.

In these times of confusion, evill, apostacie, and warring unto blood [which cries,] I have weighed much  
with

with my self what is the onely way to compose our differences amongst our selves, and make a compleat reconciliation : and I finde nothing so likely as a mutuall Agreement amongst the People, by making of just Laws, agreeable to the Law of Nature, which is undemonstrable, which needs no demonstration, were it not for corruption and interests. ' It is, as Mr. *John Cook* saith in his book against the King, the unanimous consent of all rationall men in the world, written in every mans heart with the pen of a Diamond, in Capital Letters, and a Character so legible, that he that runs may read. And it is nothing else but the policie of Politicians, to live honourably by the ruines and warrings of the people, to keep off an insisting upon Laws of Settlement and Agreement ; and to insinuate into corruption and interests that are strongest and most prevalent, that so they may keep themselves in the power of the Sword without reason, in War, and after War : O sad end of War to the People ! But now every drop of blood and injustice will be recorded in mindes of just men. *England* hath reys ; the people thereof will not be deluded after so much blood : And for my part, I cannot but think, that all impartiall men, whether Presbyterians or Independents, or any else under any other name, (that are not choaked by preferments from the present Power, or in expectation of Honour by favour and promise) would have impartial justice, and an equall distribution according to principles amongst the people : And I hope, there be many impartiall men that have places of Honour, who (for their Countries sake) would willingly adventures but it is not common : *Dominion* and *Avatices* are the great gods of the world. But when Politicians do waive the Agreement of the People in the Laws of Nature and Reason, then we may justly fear a Designe ; for it is because they would not have the people see, nor understand : for then they know they could not do what they please, and continue in the Throne : they could not get Persons to be esteemed more then Principles.

But



But I shall shew unto this Honourable House, how his Excellency the General of the English peoples Armie, hath dealt with me, as well as with other of the people; and how such actions are the paths of former Powers. And I shall shew of what a dangerous consequence the actings of the Generall are, and how consonant to the late Kings actings amongst the people. And indeed, Mr. Solicitor Cook saith, 'That if any of those that *tried the King* shall turn Tyrants, or consent to set up any kinde of Tyrannie by a Law, or suffer any *unmercifull* domineering over the consciences, persons and estates of the free people of this Land, they have pronounced sentence against themselves.

*Master Solicitor Cook hath these several Arguments against the Kings Tyranny and Policies, cited in King Charls his CASE.*

First, The King, when there ever was a spirit of Justice stirring and discovered in the House, he sends the *Black Rod*, and dissolves the Parliament; and so the Parliament men were faine to go home with a flea in their ear, and tell the Free-holders in the Country of the bravery of the King and Lords. So the Generall, &c. when he saw the spirit of Justice stirring in the Armie amongst the free people and Souldiery of this Nation, that had adventured their blood, he dissolved their Generall Councell of *two Officers and two Souldiers of every Regiment, &c.*

Secondly, If the people clamour for another Parliament, then there goes out another Summons; yet a way made to make all fruitlesse, by a negative voyce that the people cannot save themselves without him; and must cut their own throats, if commanded so to do. So if  
any



any of the people in the Armie claim and clamour for their Rights, even for their indisputable rights of Petitioning; then presently there is an Order from the Generall and some other Officers, or a Command and negative Voice, to hinder the same: Whereas they charged *Hollis* and *Stapleton* for overthrowing the Rights and Liberties of the Subjects of this Nation, in arbitrary, violent, and oppressive wayes, and endeavoured by indirect and corrupt practices to delay and obstruct Justice, to the great damage and prejudice of divers of the poor Commons of *England* petitioning for the same.

Thirdly, Another means he had to put some others between him and the Peoples hatred, by a pretended prerogative to be the sole Judge of Chivalry; and to have the sole power of conferring Honours; that so he might be sure to have two against one to stand for his Prerogative against all right and reason. And so, What gaping and depending upon the Generall after Places of Honour and Profit; What undermining any one that is out of favour (though without cause;) and what snares there are and have been laid for the casting out of those that have appeared conscientiously steadfast to their principles, for the Rights of the People; Let all rational men judge.

Fourthly, Another means he had to delude the People, to make the People believe, That he had committed all Justice to the Judges, and distributed the execution thereof into severall Courts; and that the King cannot so much as imprison a man without Law or reason. But see what a mockery this was to Justice: If the King have a minde to have any publick spirited men removed out of the way, this man is kill'd, the murderer known, a Letter comes to the Judge, and it may be it shall be found but Man-slaughter. So, when the Lord did (though with much temperance, as I appeal to the world) make

me to own things, that are just, according to their own former words and actions, (as after appears in my Case;) then I was presently a mark to shoot at; and though this hath not extended to murder me as yet: yet it hath extended (as much as in him lay) to dis-repute mee, and undo mee; snatch mee off by force from the common Cause of the Nation, and unmercifully make mee liable to Insurrections and Invasions, if any shall be.

Fifthly, For master of Liberties; if the King, or any Courtier sends a man to Prison, if the Judge set him at liberty, then he puts him out of his Place: which is (saith hee) a temptation too heauie for those that love money and Honour more then God. So, if any one appears out of a reall affection to Justice, for any one that is extremely oppressed; then there is suspicion and jealousy; and as the new Colonell John Reynolds said to me, If hee should speak for mee, he should pre-judice himself.

Sixthly, The King pretended a Prerogative, That he might avoid any of his Grants; and so might cozen and cheat any man by a Law; and the ground thereof, That the Kings Grants shall be taken according to his intention: And by this means the Kings Grants have been like the Devils Oracles, taken in any contrary sense for his own advantage. Whereas Master Solicitor Cook saith, *All the Judges in England cannot make one Case to be Law, that is not Bonum.* But the General (though he hath joynd in many good things) hath made void his own solemn Engagements to the Souldiers and People, hath imprisoned and cashiered those that have appeared conscientious to their Principles; and used diuers arbitrary and oppressive wayes, to make himself and his Creatures absolute and unlimited, tending to the extreme

treine prejudice of many of the Common-Weal; (*viz.*) Officers and Souldiers of this Nation, as appeared by his actions of Cashierement, of Captain *Ingram*, and then the Life-guard, my self, and divers others in the Engagement equally concerned; and so he goes on to an absolute will, divided interest, and conquest over many of those that have engaged in *England's* blood, and appear for *England's* Libertie, and at length may over all others; contrary to the Declarations of the Army in apposing the Parliament, in the Declaration of the fourteenth of *June*, 1647, in the Volume, pages 40, 41, 42. But *Conquest or Power makes a Title amongst Wolves and Bears, but not amongst men*, as Master Solicitor *Cook* saith against the King. What a sad thing is it, that after our Engagements, double and treble Engagements against Absoluteness, Tyranny, Conquest, Arbitrariness, the same things must be done amongst our selves?

And now I appeal to you for Judgement and Justice that may appear without partiality to the understandings of all unbiassed men.

I shall onely hint unto you the businesse of Warre in a few words, (*viz.*) if I had deserted the Regiment at the time of the *Agreement of the People*, I had been a perfidious fellow to my Principles, and the Nation, and Armie; and by that means the Nations interest in that Regiment had been the Kings: for there were some Lords in the Quarters courted them to it. But this Honourable House, and all rationall people may see how inhumanely I was used.

After my being apprehended in the Field, I was six weeks in custody at *Windsor*, or thereabouts: I was justifiable in my grounds and reasons, which did relate to the Engagement of the Army, The Agreement of the People, and the Generals just Authority: And I was declared justifiable by Lieutenant General *Cromwell*, as many can witness; and Commissary General *Irwin* told

one in private (*viz.* Mr. *Sexbye*) that there was nothing against me. I was appointed my Command again under the notion of an holy Fast, and of their desiring an union, and imbracing one another in love, (oh sad hypocrisie!) but it was to juggle me out of my right: (Reason and Justice being for me, as doth after appear;) that what Reason and Justice could not do, Power should. After that, the Generall seemed to be dissatisfied: though Commissary General *Iretton* said, That God did incline the hearts of the Generall and Generall Councell to desire a union, and embrace one another in love (his very expressions, as many were witnesse;) and so I had Lieutenant General *Commwells* Letter to *Newcastle*: But that Apostate, my deadly enemy, *Henry Lilburn* (having influence in the Generall, when I came from *Newcastle*, two hundred and ten miles from *London*) got me presently suspended my Command: after some five or six weeks stay, suspension or confinement there, a Commission was sent from the Generall for another to have my place. I had some losse also by the tedious journey: Lieutenant Colonel *Henry Lilburn* had also broken open my Trunk, and seized upon my Commission, and kept it. I was faine after all this to return to *London*. I had been four or five months or thereabouts strook out of the Muster-Rols of the Armie without cause. When I came to *London*, I made my appeal to the General and his Counsell of War, and delivered it to himself to be heard, and for justice; but I spake to the air, I could not get it granted. After that I made many private Addresses by my self and others: He told me, It was his pleasure. I offered to refer it to some Parliament-men to hear the businesse, I could not have that granted: I offered to refer it to some consciencious Officers of the Armie in private, I could not have that granted: Which actions were (under correction) contrary to the solemn Engagement of the Armie, the Articles and Discipline of War, and all manner of Christian

Christian Society a id reason a nongst men. — Oh unreasonableness I — And at length, all that I could get from the Generall, was but twenty pound out of the contingent moneys. And the truth of it was, it was extremely grievous to me to bring an *odum* upon the Generall and others, with continuall hopes of his and others refection, or standing for Principles of Justice and Freedom to the People: But now I see it is of such an extension, as a continued design to disparage, dishonor, and destroy me, and consequently others; I hope I shall be excused in the eyes of all rationall men, that I now speak: Though, for enemies to me, and Apostates, I care not what they say.

After all this injustice and dissatisfaction, when others would have wrought upon these things, and used it, as an argument to me, to revenge my own wrongs, and publique injuries; another pretending for the King and Justice, insinuatingly, politiquely, and privately, That if I would, I might be a Colonell against the Grandees. But the Lord made me to abhor such motions, and the Lord kept me firm, stedfast, and sincere in the times of temptations, wrongs, apostasies, and danger, to the Nation, the Army, and this House; and so to their persons, though my person have been tossed like a Tennis-ball by them: And I raised a Troop against the bloody Insurrections, and in constancy to my Principles, and by the Generals own privities, unto whom I did in my affections and civility go for that end. And when I was dismissed out of the County of *Kent*, I have ever since kept up my Troop, in order to the Freedom, Justice, and Peaceable settlement of the Nation, in Colonell *Reynolds's* Regiment, and upon the same Account that the Army and the well-affected of the House have manifested themselves, have been at most excessive charges and damages this Five months in order thereunto; and have

have been intrusted with the guard of the Kings own person, at *Hurst-Castle* by the authority of the Army, and command of Col. *John Reynolds*, (voted a Col. of the Army by this House.)

Yet notwithstanding may it please this supreme Authority, I being at the Generall-Councell of the Army, on, or about the first day of *March* last past, and there being a Letter presented by some Souldiers, to the Generall, and the Councell; it was put to the question and the Poll, whether the Letter should be owned or not owned: And when I was demanded my Vote in the Councell, (which should be free :) I told them, That though I could have wished that many expressions that were taken offence at were left out; yet in my Judgment the substance of the Letter did relate to the right of petitioning, and to a petition that was presented in Parliament, and therefore I thought the work of that Court was to consider of it, and so I owned it, though I had some temptation upon my spirit not to own it, because I saw a designe upon me. A little after, I was ignominiously and unreasonably cast out of the Councell, and had not liberty (though I desired it) to speak, as if it were now grown a Capitall offence to speak a mans judgement in a Councell, (which should be free) and as capitall a sin to speak a word for a private Souldier (though with never so much temperance) if contrary to the judgment of some Officers; whereas it was offered by the Army, as a necessary expedient that there might be a liberty of dissents in the House of Commons, that the Nation might readily come to know, who they are that perform their trust faithfully, and who not; and this was offered to render a Parliament less nocent, *Remonst. of 23 June*, and in the Volume of *Declar. page 143. We appeal to all men whether it be just or tolerable, that any priviledge of Parliament, should contrary to the Law*



*Lords of Manners make a man judge in his own case on  
concomitant.* But the Generall would have that un-  
reasonable power and dominion which he would not  
give to Parliaments, and will not give that libertie  
that he takes to himself: Unto what pass will this Na-  
tion come to, unless this honorable House justly inter-  
pose with their just Authority. But I humbly conceive,  
That this honorable House, the well-affected in Army and  
Nation, are bound in conscience, to interpose in their  
dying Liberties; for what man in the earth knowes  
where such practises and designs will end; for after  
I was cast out of the Councell without just cause, my  
Troop was given away to another, and a Commission  
given to another to be in the Regiment, and I could  
not have that indisputable Justice from the Generall,  
to suspend it till the business was determined in Parlia-  
ment, though I desired it in private of him: It is cleere

I shall desire the honourable House to consider the  
two Cases before laid down (not mentioning my former  
Arrears and losses in your service, and for your sakes) by  
which injustice and wrongs will appear, and by reason of  
which I am engaged in the world: and to consider that  
the Generall would by vertue of his negative voice,  
(which the King so much stood upon under the specious  
notion of the use of his reason) deprive me of my right,  
and give it to his creature; and pretend that he hath an  
unlimited power to give; and deny, to whom he please,  
which may extend as well to kill, and save alive, as to  
honour and dethrone, in an unreasonable arbitrary manner;  
just like the Kings practise, as I have shewed before. He  
himself can receive a Commission from Parliament, a-  
gainst the King, and after that withstand the Parliament,  
again and again, and rend and tear in pieces all powes,  
and break all the reins of government, as to former con-  
stitutions, and tell them, That it is not the meane to fillio  
of



of a Commission? but impartial Justice, and Freedom, principles of nature and right reason is his Commission, (which actions are only justifiable before God and Man, in order to Justice and Freedom) but he can act arbitrarily, unreasonably, and fly to his own Sword and power, without reason, when he pleases, to destroy the Nations friends, and his own too (though not flatterers) in their freedom and Justice. This corruption may destroy the wel-being of this Army and Common-weal; for if this House, or any Officers or Souldiers in this Army, do walk and speak never so reasonably, yet power and Will may destroy and cast out both, or doe both; for by it he may doe one as justifiably as the other. And if God in his appointments should give a great part of this Army into the hands of future Enemies, by future Warr and Blood; then another part of the people of this Nation must be invited out with the names and expressions of Judgment and Conscience; and after they have obtained Victory also with the loss of many thousands; and the hazards of many more; all their liberties, and equal good and right, shall be usurped and swallowed up into the hands of one man, (or a few men) who may be partially swayed to destroy and save alive whom he please; if he prove corrupt and apostatize as former powers have, and so one corrupt man in power corrupts many more, untill at length they will come to call corruption Justice; and it must be so, because they call it so; and then he is worthy of death and cashierment, that will not say, The Crow is white.

For my part, I shall profess my self to the world to be for the Generals personall Authority, and power of Conduct (so long as this intrusted Authority thinks fit and just; and as may appear by an address unto his Excellency written by my own hand, and consented

to by the Troops about two months last past) as much as any insinuator or flatterer that hath interposed between the Generall and me, in order to the Rights of the People; and I should be glad if the Generall did walk truly, justly, and honourably, sutable to such an Authority. But to have (as much as in him lay) my body, little estate, and more especially, or above all, the Liberties of my Country, the liberty and freedom of my Conscience, to be all enslaved at once by him, I had rather be rack'd to death or destroyed by the General, or by any unworthy, mercenary-spirited, insinuating Officer or Souldier, then subscribe in that sense. And I professe impartially, I know not what sense is expected from me else, by these and the like sayings: just like the sayings of *William the Norman Conquerour*, who deprived the English Natives of the comforts of Riches, and Places, and their smallest offences against his will and Norman Lawes, were made grants to entitle him to their Lands, and places of Trust, to fill his lust, satisfy his Creatures, and carry on his Tyrannous designs over the People. And I do finde it a very great evil, that when the People and the Souldiery claim just and undeniable things, then presently some men commonly fly to a deceivable mistaking of the Question, and subvert the People and Souldiery in their Cause; and say that the men are against Authority, as the King did against the Parli-

Come in to : means

ment : and so the People and Souldiery are  
jugled out of the Question.

But I desire this Honourable House to consider, That Injustice is the foundation of almost all evils in the world : and when Politique Murtherers (which are the greatest Murtherers in the world) give continued occasion, then they cry out against the evil; and rend and tear like unreasonable beasts of prey; and cry out upon the Lambe, if it seek but his just, righteous, naturall, and reasonable safety; they extremely offend, and then they are offended if a man speak in his just cause; like *Tiberius* the successor of *Octavius*, who after a faigned clemency at the beginning of his Reign, suffered no day to passe without shedding the blood of poor innocents; and he prohibited on pain of death, that no one should be so bold as to weep or to manifest sorrow : They make occasions; they cry out of passions, though they abundantly provoke.

And therefore Right Honourable, sithence Authority is meerly for that end, to doe Justice impartially, that one might not oppresse another, that Might may not overcome Right; and since you have overturned the face of other personall Authorities, cast out, and imprisoned divers Members of your own House, to their ignominie and dishonour, nulled the House of Lords, impartially beheaded the King and some Lords, and Declared to the people, That it is out of an affection to impartiall Justice  
and

and Righteousness, according to the first Institution of authority by Judges, according to the Scriptures, *Deut. 1. 16, 17.* I shall desire you would doe Justice for Justice sake, that it may appear to the People, and to the Officers and Souldiers of the Nation, whom it justly concerns, and unto whom I am deeply engaged, whose Cause I make my own, and whose blood I esteem as my own, and unto whom I have now discharged my Conscience, and then you will justly oblige me to manifest my self yours, and to employ my small talent of reason and understanding for your service, and in defence of your supreme Authority.

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**F I N I S.**

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